

[OR-056-96-1010-00:GP6-0018]

Vehicle Closure

AGENCY: Bureau of Land Management, Prineville District.

ACTION: Notice is given that, effective November 13, 1995, all public lands as legally described below are closed to off-highway motorized vehicle use.

SUMMARY: A 40 acre area near the intersection of State Highway 126 and Cline Falls Road near Redmond, OR is being closed to off-highway motorized vehicle use.

Use of a off-highway motorized vehicle is prohibited, except directly on Cline Falls Road, in the following area: T. 15S R. 12E Section 14 SWNE.

Exception to this closure is given to law enforcement, fire suppression, and to emergency personnel while engaged in emergency purposes; BLM employees or contractors while engaged in official duties as approved by the authorized officer; and any other person whose use of a motorized vehicle is officially approved.

The purpose of this closure is to avoid further soil and vegetation loss, to protect wildlife habitat, and to allow the site to re-vegetate.

Failure to comply with this order is punishable by a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months as provided by 43 CFR 8340.0-7.

Harry R. Cosgriffe,

Acting District Manager, Prineville District.

[FR Doc. 95-27990 Filed 11-13-95; 8:45 am]

BILLING CODE 4310-33-M

Fish and Wildlife Service

Availability of an Environmental Assessment and Receipt of a Joint Application for an Incidental Take Permit for a Residential Project Called Pineda Crossing/Windover Farms, Located in Brevard County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: EKS Properties, Incorporated and Pineda Crossing Corporation (Applicants), are seeking an incidental take permit from the Fish and Wildlife Service (Service), pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended. The permit would authorize the take of two families of the endangered red-cockaded woodpecker, *Picoides borealis* in Brevard County, Florida. The proposed taking is incidental to construction of two adjacent projects, Windover Farms

and Pineda Crossing residential developments encompassing 940 acres and 323 acres, respectively (Project). The two project sites are located on the western side of the city of Melbourne, between Wickham Road and Interstate 95, in Sections 36 and 25, Township 26 south, Range 36 east, in Brevard County, Florida. Windover Farms of Melbourne occur north and west of the intersection of Post and Wickham Roads. The Pineda Crossing site lies immediately north of Windover Farms. Both sites have been partially developed, including construction of roads, single-family houses, and recreational centers. The Applicants are seeking an incidental take permit to proceed with development in areas currently occupied by the red-cockaded woodpecker.

The Service also announces the availability of an environmental assessment (EA) and habitat conservation plan (HCP) for the incidental take application. Copies of the EA or HCP may be obtained by making a request to the Regional Office address below. Requests must be submitted in writing to be adequately processed. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act Regulations (40 CFR 1506.6).

DATES: Written comments on the permit application, EA and HCP should be received on or before December 14, 1995.

ADDRESSES: Persons wishing to review the application, HCP, and EA may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, or the Jacksonville, Florida, Field Office. Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Please reference permit under PRT-808474 in such comments.

Regional Permit Coordinator, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345, (telephone 404/679-7110, fax 404/679-7081).

Field Supervisor, U.S. Fish and Wildlife Service, 6620 Southpoint Drive, South, Suite 310, Jacksonville, Florida 32216-0912, (telephone 904/232-2580, fax 904/232-2404).

FOR FURTHER INFORMATION CONTACT: Dawn Zattau at the Jacksonville, Florida, Field Office, or Rick G. Gooch at the Atlanta, Georgia, Regional Office.

SUPPLEMENTARY INFORMATION: The red-cockaded woodpecker (RCW) is a

territorial, non-migratory cooperative breeding bird species. RCWs live in social units called groups which generally consist of a breeding pair, the current year's offspring, and one or more helpers (normally adult male offspring of the breeding pair from previous years). Groups maintain year-round territories near their roost and nest trees. The RCW is unique among North American woodpeckers in that it is the only woodpecker that excavates its roost and nest cavities in living pine trees. Each group member has its own cavity, although there may be multiple cavities in a single pine tree. The aggregate of cavity trees used by a breeding group is called a cluster. RCWs forage almost exclusively on pine trees and they generally prefer pines greater than 10 inches diameter at breast height. Foraging habitat is contiguous with the cluster. The number of acres required to supply adequate foraging habitat depends on the quantity and quality of the pine stems available.

The RCW is endemic to the pine forests of the Southeastern United States and was once widely distributed across 16 States. The species evolved in a mature, fire-maintained, ecosystem. The RCW has declined primarily due to the conversion of mature pine forests to young pine plantations, agricultural fields, residential and commercial developments, and to hardwood encroachment in existing pine forests due to fire suppression. The species is still widely distributed (presently occurs in 13 southeastern States), but remaining populations are highly fragmented and isolated. Presently, the largest populations occur on federally owned lands such as military installations and national forests.

Continued development of the two tracts may result in death of, or harm to, any remaining RCWs through the loss of nesting and foraging habitat. The Service's EA outlines two alternatives in response to this application. The first alternative is a no-action alternative, which would result in the Service's denial of the request for incidental take. The second alternative is to accept the application as sufficient and issue an incidental take permit. Under Alternative 2, the Applicants' HCP proposes to offset the anticipated level of incidental take, by implementing the following mitigation/minimization measures, including providing adequate funding to ensure their success:

1. For Pineda Crossing, temporary restrictions on construction activities at the project site will continue during the proposed period of 3 to 5 years of reproductive monitoring and translocations. This will provide

temporary foraging, nesting, and roosting habitat. Construction within RCW habitat will not occur until translocation success is noted at the mitigation site or for 3 years, whichever comes first. If young birds are not available for 3 years, the HCP period will be extended to 5 years.

2. Three new cluster sites will be created at the Hal Scott Preserve in Orange County. Each cluster site will consist of three completed cavities and two start holes. New cavities will be caged and inspected for 6 months for sap leakage. Any trees leaking sap will not be opened for use by RCW.

3. Annual monitoring of nesting and roosting activity will be conducted at the project sites. During nesting season, weekly visits to occupied cavity trees will be conducted.

4. At Windover Farms, the single male RCW will be relocated to the newly created clusters at Hal Scott Preserve, along with a young female from Pineda Crossing, (if available) or from the Big Econlockhatchee population, of which the RCWs occupying Hal Scott are a part.

5. The young birds from Pineda Crossing will be translocated to the newly created clusters at Hal Scott Preserve. Weekly visits will be conducted to the mitigation site once a week for 1 month after translocation to inspect the cavity and the surrounding area for the presence of these birds. Checks of the cluster sites will also be made four times during the following nesting season to monitor reproductive status and success.

6. Young birds from the surrounding population in the Big Econ River area will be used, if necessary, to augment these created cluster sites during years of no reproduction on the Pineda Crossing site.

7. At the mitigation site, inspections will be conducted in the fall and winter to locate the roost sites.

Dated: November 7, 1995.

Noreen K. Clough,

Regional Director.

[FR Doc. 95-28016 Filed 11-13-95; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-725 (Final)]

Manganese Sulfate from the People's Republic of China

Determination

On the basis of the record¹ developed in the subject investigation, the Commission unanimously determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1673d(b)) (the Act), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from the People's Republic of China (China) of manganese sulfate, provided for in subheading 2833.29.50 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).²

Background

The Commission instituted this investigation effective May 11, 1995, following a preliminary determination by the Department of Commerce that imports of manganese sulfate from China were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. § 1673b(b)). The petition in this investigation was filed on November 30, 1994, prior to the effective date of the Uruguay Round Agreements Act. Thus, this investigation was subject to the substantive and procedural rules of the Tariff Act of 1930 as it existed prior to the Uruguay Round Agreements Act.³ Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register of May 24, 1995 (60 F.R. 27555). The hearing was held in Washington, DC, on October 3, 1995, and all persons who requested the

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

² The product covered by this investigation is manganese sulfate, including manganese sulfate monohydrate ($\text{MnSO}_4 \cdot \text{H}_2\text{O}$) and any other forms, whether or not hydrated, without regard to form, shape, or size, the addition of other elements, the presence of other elements as impurities, and/or the method of manufacture.

³ See P.L. 103-465, approved December 8, 1994, 108 Stat. 4809, at § 291.

opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on November 6, 1995. The views of the Commission are contained in USITC Publication 2932 (November 1995), entitled "Manganese Sulfate from the People's Republic of China: Investigation No. 731-TA-725 (Final)."

Issued: November 2, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95-28054 Filed 11-13-95; 8:45 am]

BILLING CODE 7020-02-P

INTERSTATE COMMERCE COMMISSION

Indexing the Annual Operating Revenues of Railroads, Motor Carriers of Property and Motor Carriers of Passengers

This Notice sets forth the annual inflation adjusting index numbers which are used to adjust gross annual operating revenues of railroads, motor carriers of property and motor carriers of passengers for classification purposes. This indexing methodology will insure that regulated carriers are classified based on real business expansion and not from the effects of inflation. Classification is important because it determines the extent of reporting for each carrier.

The railroad's inflation factors are based on the annual average Railroad's Freight Price Index. For both motor carriers of property and motor carriers of passengers, the inflation factors are based on the annual average Producer Price Index for all commodities. The indexes are developed by the Bureau of Labor Statistics (BLS).

The base years for railroads, motor carriers of property, and passenger motor carriers are 1991, 1993, and 1988 respectively. The inflation index factors are presented as follows:

	Index	Deflator percent
	Railroads—Railroad Freight Index	
1991	409.5	¹ 100.00
1992	411.8	99.45
1993	415.5	98.55
1994	418.8	97.70
	Motor Carriers of Property Producer Price Index	
1993	118.9	² 100.00
1994	120.4	98.70